

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

**SAROO F. BIKOOYERDI aka SAROO  
BIKOOYERDI aka SARDO BIKOOYERDI**

Respondent.

Case No. 2011-186

OAH No. L-2010100276

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 30, 2011.

It is so ORDERED August 31, 2011.

  
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FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

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13 **BIKOOYERDI aka SARDO BIKOOYERDI**

OAH No. L-2010100276

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 Respondent.

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16 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
17 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
18 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
19 which will be submitted to the Board for approval and adoption as the final disposition of the  
20 Statement of Issues.

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
23 Registered Nursing (Board). She brought this action solely in her official capacity and is  
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
25 Gloria Barrios, Supervising Deputy Attorney General.

26 2. Saroo F. Bikooyardi aka Saroo Bikooyardi aka Sardo Bikooyardi (Respondent) is  
27 representing himself in this proceeding.  
28

3. On or about February 26, 2010, the Board received an application for a Registered Nurse License from Respondent. On or about February 19, 2010, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on March 18, 2010.

#### JURISDICTION

4. Statement of Issues Case No. 2011-186 was filed before the Board, Department of Consumer Affairs, and is currently pending against Respondent. The original Statement of Issues and all other statutorily required documents were properly served on Respondent on September 10, 2010. Respondent timely filed his Notice of Defense contesting the original Statement of Issues. A copy of Statement of Issues Case No. 2011-186 is attached as Exhibit "A" and incorporated herein by reference.

5. A hearing in the Statement of Issues Case No. 2011-186 was held before the Board, Department of Consumer Affairs, on March 24, 2011 in Los Angeles, California, before David B. Rosenman, Administrative Law Judge (ALJ), Office of Administrative Hearings. On April 15, 2011, ALJ Rosenman issued his proposed Decision. On June 28, 2011, the Board issued a Notice of Non-Adoption of Proposed Decision. A copy of the Notice of Non-Adoption of Proposed Decision and the Proposed Decision in Case No. 2011-186 is attached as Exhibit "B" and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Statement of Issues Case No. 2011-186. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to be represented by counsel at his own expense; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

INCORPORATE BY REFERENCE

9. Respondent understands and agrees that the attached Proposed Decision's Factual Findings, Legal Conclusions and Discussion and Order shall be incorporated by reference in Statement of Issues Case No. 2011-186, and constitute cause for imposing discipline upon his Registered Nurse License.

10. Respondent understands and agrees that in addition to the Order in the Proposed Decision the following language shall be added to the Order:

"Upon successful completion of the licensure examination and all other licensing requirements".

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14 In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following

Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED THAT Proposed Decision in the Matter of the Statement of Issues Case No. 2011-186 with foregoing stipulation language in paragraph 10 be adopted by the Board.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8-1-11

  
SAROO F. BIKOORYERDI aka SAROO  
BIKOORYERDI aka SARDO BIKOORYERDI  
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: Aug. 2, 2011

Respectfully Submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



GLORIA BARRIOS  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against :

Saroo F. Bikooyerdi,  
aka Saroo Bikooyerdi,  
aka Sardo Bikooyerdi,

Respondent.

Board Case No. 2011-186

OAH No. 2010100276

PROPOSED DECISION

This matter came on regularly for hearing on March 24, 2011, at Los Angeles, California, before David B. Rosenman, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California. Respondent Saroo F. Bikooyerdi was present and was represented by Sara Kuperberg, Attorney at Law. Complainant Louise R. Bailey, M.Ed., R.N., was represented by Supervising Deputy Attorney General Gloria A. Barrios.

Oral and documentary evidence was presented and the matter was submitted for decision on March 24, 2011.

FACTUAL FINDINGS

The Administrative Law Judge finds the following facts:

1. The Statement of Issues was brought by Complainant Louise R. Bailey, M.Ed., R.N., in her official capacity as Interim Executive Officer of the Board of Registered Nursing (Board).
2. On February 26, 2010, the Board received Respondent's application for a Registered Nurse License. The Board denied the application by letter dated March 18, 2010. The denial was based upon prior disciplinary action taken against Respondent's vocational nursing license by the Board of Vocational nursing and Psychiatric Technicians.
3. On December 13, 2006, the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) issued Vocational Nursing License No. VN 2248 17 to Respondent.
4. On July, 22, 2008, in Case No. VN-2007-146, the Executive Officer of BVNPT filed an accusation against Respondent. Following an administrative hearing, Respondent's vocational nursing license was revoked. However, the revocation was stayed and he was

placed on probation for two years under certain terms and conditions. That Decision became effective on June 25, 2009.

5. The prior discipline was based upon an incident on January 11, 2007, when two police officers observed Respondent involved in a purchase of heroin. Respondent was charged with, and pleaded guilty to the crime of attempted possession of a controlled substance. Police also found a prescription vile in Respondent's car, in another person's name and containing Vicodin, which Respondent admitted he planned to use as a substitute for heroin. The prior Decision found that Respondent admitted to using heroin twice before his arrest "in an attempt to cope with emotional distress associated with a break-up of a long term relationship and with certain problems related to his immediate family." (Exhibit 5.) Respondent was placed on criminal probation for two years. Respondent subsequently entered a drug diversion program which he successfully completed on March 16, 2008. As a result, pursuant to Penal Code sections 1000.3 and 1000.4, the criminal charges were dismissed and the arrest was deemed to have never occurred.

6. In the prior Decision, the imposition of probationary terms on his LVN license was based on Respondent's "hard work and diligence" in pursuing rehabilitation. The prior Decision referenced, for example, that the diversion program included completion of a 28-day drug treatment program; Respondent had remained clean and sober; he voluntarily attended Narcotics Anonymous (NA) meetings and had been invited as a speaker; there were letters attesting to Respondent's good character from his employer and a physician; Respondent was attending classes required to obtain a Registered Nurse License; his parents and siblings provided a strong support group; and Respondent demonstrated a change in attitude, including contrition and remorse and continuing maturation, and was a "socially and professionally responsible person."

7. At the present hearing, Respondent was candid and continued to demonstrate his remorse and rehabilitation. He described the criminal diversion treatment program as an inpatient program including individual and group counseling as well as NA meetings. He continues to successfully undergo random drug testing for his probation to the BVNPT, which is scheduled to end June 24, 2011. Although it was difficult finding a job considering his probationary license, he was diligent and was hired by Dreier's Nursing Care Center in June 2010, first as an activity director and then as a licensed vocational nurse. The director, John Haedrich, wrote that Respondent was taking significant steps to overcome the incident, and has performed satisfactorily (Exhibit A). His duties include all aspects of patient care, including access to medications and controlled substances. Work performance evaluations submitted to the BVNPT along with Respondent's quarterly reports (Exhibit G) indicate Respondent is polite, punctual, has good relationships in the workplace, deals well with situations, shows confidence and accepts criticism positively. Respondent also submitted several letters from instructors and administrators at his college attesting to his hard work, honesty, mastery of subject materials, and sobriety.

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8. Respondent also presented evidence of his completion of coursework necessary for the Registered Nurse license, including that he made the Dean's list, and current certifications in CPR, AED and fire department safety training. He maintains professional liability insurance coverage. He submitted drug test results. Respondent gave sincere and convincing testimony of the positive changes in his life and attitude, as well as family support and others in a support network. He has gained valuable insight into his addiction and demonstrated an appreciation of the hard work necessary to maintain his sobriety and continued recovery. Under the totality of the evidence, Respondent established that he is a mature and responsible professional working hard to overcome the trouble in his past.

9. The Board has developed written guidelines for license discipline matters, referred to in California Code of Regulations, title 16, section 1445.5, and titled: "Recommended Guidelines for Disciplinary Orders and Conditions of Probation (rev. 10/02)," referred to as the Guidelines. Under this Regulation, the Board is to consider the Guidelines in reaching decisions in disciplinary matters. The Guidelines include several sections that are relevant to Respondent's case, including criteria to evaluate drug and alcohol rehabilitation and examples of the types of evidence that can be submitted to establish mitigating circumstances.

10. Under the section titled "Drug/Alcohol Rehabilitation Criteria," the applicable Guidelines state, at page 14:

"Criteria to be considered in determining rehabilitation for abuse of alcohol or other drug related offenses include, but are not limited to:

"• Successful completion of drug/alcohol treatment program (a minimum of six (6) months duration). The treatment program may be a combined in-patient/out-patient and aftercare. Such a program will include at least the following elements:

- o Chemical-free treatment philosophy
- o Individual and/or group counseling
- o Random, documented biological fluid screening
- o Participation in nurse (or other professionals') support group(s)
- o Education about addictive disease
- o Adherence to a 12-step recovery program philosophy, or equivalent
- o Written documentation of participation in 12-step recovery groups, or equivalent

"• For registered nurse licensees, employment in nursing for a minimum of six (6) months with documentation (from the employer) that the employer was aware of the previous drug or alcohol abuse problems. Documentation must substantiate that while employed, there was no evidence of continued alcohol or drug use and that the respondent performed nursing functions in a safe and competent manner."

11. Under the section titled "Mitigation Evidence," the Guidelines state, as pertinent here, at page 15:

"The respondent is permitted to present mitigating circumstances at a hearing. . . .

"The following documents are examples of appropriate evidence the respondent may submit to demonstrate his or her rehabilitative efforts and nursing competency:

"A) Recent, dated written statements from persons in positions of authority who have on-the-job knowledge of the respondent's current nursing competence. Each statement should include the period of time and capacity in which the person worked with the respondent . . . . It should be signed by the one making the statement and dated.

"B) Recent, dated letters from counselors regarding respondent's participation in a rehabilitation or recovery program, where appropriate. These should include a description of the program, the number of sessions the respondent has attended, the counselor's diagnosis of respondent's condition and current state of rehabilitation (or improvement), the counselor's basis for determining improvement, and the credentials of the counselor.

"C) Recent, dated letters describing respondent's participation in support groups, e.g., Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Groups, etc., where appropriate, and sobriety date.

"D) Recent, dated laboratory analyses or drug screen reports, where appropriate.

"E) Recent, dated performance evaluation(s) from respondent's employer.

"F) Recent, dated physical examination or assessment report by a licensed physician, nurse practitioner, or physician assistant.

"G) Certificates or transcripts of courses related to nursing which respondent may have completed since the date of the violation. . . ."

### LEGAL CONCLUSIONS AND DISCUSSION

Based upon the foregoing factual findings, the Administrative Law Judges makes the following legal conclusions:

1. The standard of proof to be used in these proceedings is a preponderance of the evidence. The burden is on the applicant for a license. (*Southern Cal. Jockey Club, Inc. v. California Horse Racing Bd.* (1950) 36 Cal.2d 167.) This means the burden rests on

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Respondent to establish that he should receive the license by evidence that is more convincing than not. (Evid. Code §§ 115 and 500.)

2. Pursuant to Business and Professions Code<sup>1</sup> section 480, subdivision (a)(3), a licensing board may deny a license to anyone who has "Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license." Section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480.

3. Section 2761, subdivision (a)(4), authorizes the Board to deny an application for a license for "unprofessional conduct," including "any other disciplinary action against a health care professional license . . . by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

4. Under section 2762, it is unprofessional conduct for a Registered Nurse to: obtain or possess any controlled substance as defined in the health and Safety Code, except as directed by a licensed physician; or to use any controlled substance or any dangerous drug or alcoholic beverages "to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

5. Cause exists to deny Respondent's application for license under section 2761, subdivision (a)(4), in that Respondent's vocational nursing license was revoked by the Board of Vocational Nursing and Psychiatric Technicians, as set forth in Findings 3 through 6.

6. Cause exists to deny Respondent's application for license under sections 480, subdivision (3), and 2762, subdivisions (a) and (b), because his possession and use of a controlled substance and dangerous drug are acts which, if done by a Registered Nurse, would amount to unprofessional conduct, as set forth in Findings 3 through 6.

7. In addition to the factors set forth in the Guidelines (Findings 9 through 11), the following criteria of rehabilitation for a license applicant are found in California Code of Regulations, title 16, section 1445, subdivision (a):

"(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

"(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

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<sup>1</sup> All further statutory references are to the Business and Professions Code.

"(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

"(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

"(5) Evidence, if any, of rehabilitation submitted by the applicant."

8. Respondent contends that, in considering a possible probationary license, the ALJ should give credit to Respondent's time of good behavior while in the diversion program and while his LVN license was on probation. However, someone in these circumstances is expected to exhibit good behavior, because of the consequences if they do not. "Since persons under direct supervision of correctional authorities are required to behave in exemplary fashion, little weight is generally placed on the fact that [an] applicant did not commit additional crimes or continue addictive behavior while in prison or while on probation or parole. [Citation.] Similarly, good conduct generally is expected from someone who has applied for [a license] with, and whose character is under scrutiny by, [the licensing agency]." (*In re Gossage* (2000) 28 Cal.4th 1080, 1099.)

9. Respondent has a history of addiction and rehabilitation that includes personal use of heroin on two occasions and an attempt to purchase additional heroin, as well as the intent to use Vicodin prescribed for another person as a substitute for heroin. His sobriety date coincides with his arrest and his rehabilitation efforts began pursuant to court order. It is clear that Respondent has gained some insight into himself and his circumstances as part of his present recovery. Respondent is on the right path. He completed his courses and performed well in school, and was able to find a job with a probationary license where he has shown competence and professionalism. Under the totality of the evidence, Respondent's progress in rehabilitation is sufficient to justify the grant of a probationary license with the terms and conditions recommended under the Guidelines, which will provide appropriate protection to the public.

### ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

A Registered Nurse License shall be issued to Respondent Saroo F. Bikooyerdi, and that license shall be immediately revoked. However, the revocation is stayed and Respondent's license is placed on probation for three years on the following conditions.

**SEVERABILITY CLAUSE**—Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

**(1) OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM** - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension. Upon successful completion of probation, Respondent's license shall be fully restored.

**(3) REPORT IN PERSON** - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

**(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he or she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state. Respondent shall provide a list of all states and territories where he or she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he/she applies for or obtains a new nursing license during the term of probation.

**(5) SUBMIT WRITTEN REPORTS** - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he or she has a registered nurse license.

**(6) FUNCTION AS A REGISTERED NURSE** - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any nondirect patient care position

that requires licensure as a registered nurse. The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

**(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS** – Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his or her employer and immediate supervisors prior to commencement of any nursing or other health care related employment. In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he or she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

**(8) SUPERVISION** - Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

**Moderate** - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

**Home Health Care** - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board,

periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

**(9) EMPLOYMENT LIMITATIONS** - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool. Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required. Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis. Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program. Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity. If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

**(10) COMPLETE A NURSING COURSE(S)** - Respondent, at his or her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term. Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

**(11) VIOLATION OF PROBATION** - If Respondent violates the conditions of his/her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license. If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

**(12) LICENSE SURRENDER** - During Respondent's term of probation, if he or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his or her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation. Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been

surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

**(13) PHYSICAL EXAMINATION** - Within 45 days of the effective date of this decision, Respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of Respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

**(14) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE** - Respondent, at his/her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.



Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

**(15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS -**

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

**(16) SUBMIT TO TESTS AND SAMPLES -** Respondent, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation. In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This

period of suspension will not apply to the reduction of this probationary time period. If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

**(17) MENTAL HEALTH EXAMINATION** - Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his/her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by Respondent. If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

**(18) THERAPY OR COUNSELING PROGRAM** - Respondent, at his/her expense, shall participate in an on-going counseling program until such time as the Board releases him/her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: April 15, 2011.



DAVID B. ROSENMAN  
Administrative Law Judge  
Office of Administrative Hearings

APR 19 2011

BOARD OF REGISTERED NURSES

**Exhibit A**

**Statement of Issues No. 2011-186**

EDMUND G. BROWN JR.  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
State Bar No. 94811  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-2540  
Facsimile: (213) 897-2804

*Attorneys for Complainant*

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

Case No. 2011-186

**SAROO F. BIKOORYERDI AKA SAROO  
BIKOOYERDI aka SARDO  
BIKOOYEROI**

**STATEMENT OF ISSUES**

**1417 Virginia Avenue  
Glendale, CA 91202**

**Applicant for Registered Nurse License**

Respondent.

Complainant alleges:

**PARTIES**

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about February 26, 2010, the Board of Registered Nursing, (Board) Department of Consumer Affairs received an application for a Registered Nurse License from Saroo F. Bikooyardi aka Saroo Bikooyardi aka Sardo Bikooyeroi (Respondent). On or about February 19, 2010, Saroo F. Bikooyardi certified under penalty of perjury to the truthfulness of all statements,

///

1 answers, and representations in the application. The Board denied the application on March 18,  
2 2010.

### 3 JURISDICTION

4 3. This Statement of Issues is brought before the Board, under the authority of the  
5 following laws. All section references are to the Business and Professions Code unless otherwise  
6 indicated.

### 7 STATUTORY PROVISIONS

8 4. Section 480 states:

9 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
10 has one of the following:

11 "(3) Done any act which if done by a licentiate of the business or profession in  
12 question, would be grounds for suspension or revocation of license.

13 "The board may deny a license pursuant to this subdivision only if the crime or act is  
14 substantially related to the qualifications, functions or duties of the business or profession for  
15 which application is made."

16 5. Section 2736 provides, in pertinent part, that the Board may deny a license when it  
17 finds that the applicant has committed any acts constituting grounds for denial of licensure under  
18 section 480 of that Code.

19 6. Section 2761 states:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an  
21 application for a certificate or license for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

23 "(4) Denial of licensure, revocation, suspension, restriction, or any other  
24 disciplinary action against a health care professional license or certificate by another state or  
25 territory of the United States, by any other government agency, or by another California health  
26 care professional licensing board. A certified copy of the decision or judgment shall be  
27 conclusive evidence of that action."

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